

REMARKS

Claims 1-16, 18-37 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner stated that the term “relatively soft” in the expression “a relatively soft elastic member” found in claims 1 and 26 is not supported in the specification. Applicants respectfully traverse this rejection.

The specification states that the elastic members “have a durometer between 20 Shore O and 80 Shore A” Paragraph [0033]. Applicants note that the limitation “relatively soft” in the expression “a relatively soft elastic bumper”, also found in claims 1 and 26, was not rejected. The specification describes the relatively soft elastic bumper as having a durometer “between 20 Shore O and 80 Shore A.” Paragraph [0034]. Because the two limitations have the same durometer hardness, the elastic member must also be “relatively soft.” Therefore, Applicants submit that claims 1 and 26 are definite and respectfully request withdrawal of this rejection.

Claim 37 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, the Examiner states that there is no antecedent basis for “mounting flange.” Applicants amended claim 37 and respectfully request withdrawal of this rejection.

Claims 1-16, 18-20, 23, 26-35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 5,401,591 to Bishay et al. (Bishay) in view of U.S. 6,376,126 to Faust et al. (Faust). Claims 21, 22, 24, 25, 36, 37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bishay and Faust in view of U.S. 5,553,675 to Pitzen

et al. (Pitzen). In view of the above amendments, Applicants believe the claims are patentable.

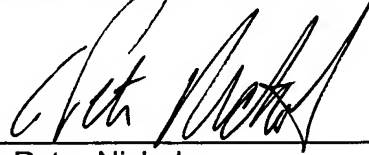
The present independent claims now incorporate the feature previously presented in claims 30 and 31. Therefore, no additional searching is required and the amendment should be entered. In addition, the amendment puts the claims in condition to be allowed or in better condition for appeal because it reduces the number of issues.

Neither Bishay, Faust, nor Pitzen alone or in combination teaches a fixedly attached elastic bumper. In fact, Bishay teaches away from such feature. Bishay teaches a batter pack 108 that is received partially within the handle 102 of the handheld electronic device 100. A removable protective boot 106 covers the lower portion 112 of the battery pack 108. Because the protective boot 106 must be removed from the lower portion 112 of the battery pack 108 to access the batteries 116, as shown in Figure 3, Bishay cannot and does not suggest that the protective boot 106 must be fixedly attached to the battery pack 108, as required by the claims. Faust and Pitzen similarly do not teach an elastic bumper fixedly attached to the battery housing. As such, the combination cannot and does not teach the presently claimed battery pack. Applicants respectfully submit the claims are allowable over the cited references and request withdrawal of the rejections.

Finally, Applicants have submitted a new independent claim. This claim does not introduce any new matter and therefore no additionally searching is required. This claim should therefore be entered.

If, for any reason, the Examiner feels that the above amendments and remarks do not put the claims in condition for allowance, the undersigned attorney can be reached at (312) 321-4276 to resolve any remaining issues.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "G. Peter Nichols", written over a horizontal line.

G. Peter Nichols
Registration No. 34,401

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200